

# BULLETIN

## Automobile Repairers Division



Reference No: LVT/jk-10-20

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### Important update to all Licensed Vehicle Testers - Road Safety (Vehicles) Interim Regulations 2020

Dear Member

You are advised that the Road Safety (Vehicles) Regulations 2009 have been replaced by the Road Safety (Vehicles) Interim Regulations 2020. The interim regulations commenced on 4, October 2020 and will remain in place for a period of 12 months.

The VACC and its Licensed Vehicle Tester sub-committee were actively involved during consultations with the Victorian Department of Transport. The committee made several recommendations and is somewhat pleased with the changes. For a copy of the submission please visit the [VACC website](#).

The new regulations include the following changes:

#### Electric-powered and Hydrogen-powered vehicle labels

[Electric-powered or hydrogen-powered vehicles](#) must now display appropriate labels on their number plate.

Electric-powered vehicles (including hybrid vehicles) registered from 4 October 2020 must have a label that is a reflective blue triangle shaped and marked "EV" fixed to the number plate/s.

This change aligns with nationally agreed labels.

#### Licensed Vehicle Testers and Roadworthy Certificates

- Conditions, limitations and/or restrictions applied to a Licensed Vehicle Tester can now be varied or removed to allow greater flexibility.
- A timeframe in which unused Roadworthy Books must be returned is now specified. If a Licensed Vehicle Tester licence is suspended, cancelled, surrendered or expired, the licence holder will need to return any unused documents and forms within 7 days.
- VicRoads can now also request that a Licensed Vehicle Tester attend and complete training, if it's reasonably required. The Licensed Vehicle Tester must also ensure that any examining mechanic employed by them also attends any required training.

If the Licensed Vehicle Tester fails to attend or does not complete required training, the Licensed Vehicle Tester license may be suspended or cancelled.

- Additional time is now in place between the first and second inspections for a roadworthy certificate. Where a vehicle doesn't pass an initial roadworthy inspection, a person will now be given 14 days to have any defects fixed and re-present the vehicle for the second inspection.

## **Defect notices**

- Defect notices will also be able to be cleared by additional people including Licensed Vehicle Testers and/or authorised person(s).
- When a defect notice is cleared, the person who clears the defect notice can instruct the person presenting the vehicle to remove the defect notice label.

## **Internal reviews**

Extended grounds are now in place in relation to rights to an internal review. This increases transparency and equity in relation to regulatory decisions, particularly where businesses are involved.

A person can apply for an internal review if their interest is affected by a decision to:

- Impose, vary or remove conditions on a Licensed Vehicle Tester.
- Suspend or cancel a Licensed Vehicle Tester's licence.

This is an important change and a key VACC recommendation. It provides LVT's with an opportunity to request an internal hearing on matters relating to a license.

## **Section 129 - Appeal to Magistrates Court**

An appeal to the Magistrates' Court under section 12, 15A or 16E of the Act by a person (the affected person) affected by a decision made by the Secretary must be made within 28 days after—

- (a) the affected person is notified of the Secretary's decision, if the decision was not reviewed under regulation 121, 125, 127, or 127A (1); or
- (b) the affected person is notified under regulation 121, 125, 127 (2) or 127A (2) of the Secretary's decision, if the decision was reviewed under regulation 127 (1).

The VACC opposed changes to the time of appeal to a Magistrates Court which was previously open ended however the added internal review process will provide some relief to members caught up in legal proceedings. You are encouraged to contact VACC for assistance on any show cause, suspension or cancellation matters.

## **General Identification Marks and Trade plates**

- New penalties are now in place for the misuse of General Identification Marks (GIMs) and associated trade plates.

These penalties (5 penalty units) can be applied to the person driving the vehicle when the trade plate is misused, or to the GIM holder who has caused or allowed the associated trade plates to be misused.

- General Identification Marks are now able to be cancelled and associated trade plates recalled if there is evidence that the GIM and or trade plates have been misused.
- Regulations have also been updated to increase the distance from 25 to 100 meters, that an unregistered vehicle can be driven (without displaying the trade plate) on a public road.

## Unregistered vehicle permits

- A driver can now provide an Unregistered Vehicle Permit electronically upon request by Victoria Police and or an authorised officer.

If the vehicle is left unattended or the electronic permit is unavailable, the permit must be printed and displayed.

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